

REMARKS

Claim Objections

Applicants acknowledge the inadvertent misnumbering of claims 23-42 on page 56 and thank the Examiner for properly renumbering these as claims 24-43.

Double Patenting Rejection for U.S. Patent No. 6,381,059 and Terminal Disclaimer

Claims 1-22 are rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-60 of U.S. Patent No. 6,380,059. U.S. Patent No. 6,380,059 to Ho, et al., pertains to a "Method of breaking electrically conductive traces on substrate into open-circuited state" and has a total of 8 claims. From the description of the conflicting claims of the '059 patent in the Office Action of November 22, 2004, and from the similarity in numbers, this double patenting rejection is based on U.S. Patent No. 6,381,059, not U.S. Patent No. 6,380,059. Accordingly, to overcome this rejection based on a nonstatutory double patenting ground, a terminal disclaimer of U.S. Patent No. 6,381,059 in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

In view of the terminal disclaimer for commonly owned U.S. Patent No. 6,381,059, Applicants respectfully request that the double patenting rejection of claims 1-22 as being unpatentable over claims 1-60 of U.S. Patent 6,381,059 be withdrawn.

Double Patenting Rejection for U.S. Patent No. 6,757,094 and Terminal Disclaimer

Claims 1-22 are rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,757,094. To overcome this rejection based on a nonstatutory double patenting ground, a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

In view of the terminal disclaimer for commonly owned U.S. Patent No. 6,757,094, Applicants respectfully request that the double patenting rejection of claims 1-22 as being unpatentable over claims 1-24 of U.S. Patent 6,757,094 be withdrawn.

Double Patenting Rejection for U.S. Patent No. 6,583,916 and Terminal Disclaimer

Claims 23-43 are rejected under the judicially created doctrine of double patenting as being unpatentable over claims 53-60 of U.S. Patent No. 6,583,916. To

PATENT
Docket No. 1141.009

overcome this rejection based on a nonstatutory double patenting ground, a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) is enclosed herewith.

In view of the terminal disclaimer for commonly owned U.S. Patent No. 6,583,916, Applicants respectfully request that the double patenting rejection of claims 23-43 as being unpatentable over claims 53-60 of U.S. Patent 6,583,916 be withdrawn.

CONCLUSION

Claims 1-43 are pending in this application. Applicants believe that, in view of the above three terminal disclaimers, pending claims 1-43 are allowable, and such action is respectfully requested. If any matters remain unresolved, the Examiner is invited to contact the Applicants' undersigned representative.

Dated: February 14, 2005

Respectfully submitted,

By: Steven A. Carlson

Steven A. Carlson, Ph.D.
Registration No. 39,127

Optodot Corporation
Attn.: Intellectual Property Department
Suite 305
214 Lincoln Street
Allston, MA 02134
Phone: (617) 562-0800
Fax: (617) 562-0811